

**ATTACHMENT II**  
**Text of Emergency and Proposed Amendment to 19 TAC**

**Chapter 101. Assessment**

**Subchapter CC. Commissioner's Rules Concerning Implementation of the Academic  
Content Areas Testing Program**

**Division 2. Participation and Assessment Requirements for Graduation**

**§101.3022. Assessment Requirements for Graduation.**

- (a) Beginning with students first enrolled in Grade 9 in the 2011-2012 school year, a student must meet satisfactory performance on each end-of-course (EOC) assessment listed in the Texas Education Code (TEC), §39.023(c), except in cases as provided by subsections ~~subsection~~ (b) , (e), and (f) of this section and §101.3021(e) of this title (relating to Required Participation in Academic Content Area Assessments), in order to be eligible to receive a Texas diploma. The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.
- (b) A student who was administered separate reading and writing EOC assessments under the TEC, §39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has met the following criteria:
  - (1) achieved satisfactory performance on either the reading or writing EOC assessment for that course;
  - (2) met at least the minimum score on the other EOC assessment for that course; and
  - (3) achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.
- (c) Exceptions to subsection (a) of this section related to English I shall apply to English language learners who meet the criteria specified in §101.1007 of this title (relating to Assessment Provisions for Graduation).
- (d) If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.
- (e) Effective beginning with the 2014-2015 school year, in accordance with the TEC, §39.025(a-3), a student who did not meet satisfactory performance on the Algebra I or English II EOC assessment after retaking the assessment, but who receives a score indicating readiness to enroll in entry-level freshman coursework on the Texas Success Initiative (TSI) assessment as specified in §4.57(a) of this title (relating to College Ready and Adult Basic Education (ABE) Standards) in the corresponding course, has satisfied the EOC assessment requirement for that subject. This subsection expires September 1, 2017.
- (f) Effective beginning with the 2014-2015 school year, a student who has taken, but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an individual graduation committee (IGC) under the TEC, §28.0258.
  - (1) A student may not graduate under an IGC if the student did not take each EOC assessment required by this subchapter or an approved substitute assessment in Subchapter DD of this chapter for each course for which there is an EOC assessment as determined by the school district or charter. A school district or charter shall determine whether the student took each EOC assessment or an approved substitute assessment required by this subchapter.
  - (2) Notwithstanding any action taken by a student's IGC, a school district or charter must provide a student an opportunity to retake an EOC assessment under the TEC, §39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

- (3) This subsection only applies to a student classified by the school district or charter as an 11th or 12th grade student in the 2014-2015, 2015-2016, or 2016-2017 school year.
- (4) This subsection expires September 1, 2017.